

jmc

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 SEP -5 AM 9:21

UNITED STATES OF AMERICA,

Plaintiff,

v.

Carlos ARENAS-Natividad,

Defendant

) Magistrate Docket No.

08 MJ 2729

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

) COMPLAINT FOR VIOLATION OF:

BY

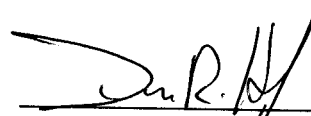
DEPUTY

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
)
)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about **September 4, 2008** within the Southern District of California, defendant, **Carlos ARENAS-Natividad**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

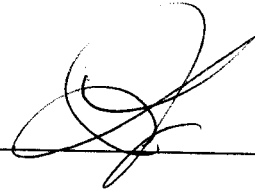
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Dwain R. Holmes Jr.
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th** DAY OF **SEPTEMBER,**
2008



Leo S. Papas

UNITED STATES MAGISTRATE JUDGE

DDA 9/4/08 cgr

jmc

CONTINUATION OF COMPLAINT:
Carlos ARENAS-Natividad

PROBABLE CAUSE STATEMENT

On September 4, 2008, Border Patrol Agent A. Ramirez was in an area known as Zone 30 in Campo, California. This area is located approximately 18 miles east of the Tecate, California Port of Entry and half a mile north of the United States/ Mexico International Boundary. Agent Ramirez responded to a sensor activation and found fresh footprints that had crossed a road known as Center Cut Road. Agent Ramirez followed the footprints north and found six individuals attempting to conceal themselves in the surrounding brush. He identified himself as a Border Patrol Agent and questioned each of the six individuals as to their citizenship. All six, including one later identified as the defendant **Carlos ARENAS-Natividad**, admitted being citizens of Mexico having entered the United States without any immigration documents allowing them to be or remain in the United States legally. At approximately 1:45 A.M., the defendant and the other individuals were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 7, 2008** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.